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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,215	06/27/2001	Aamer Sachedina	CA92000032/2034P	4818
29141	7590	05/16/2005	EXAMINER	
SAWYER LAW GROUP LLP			TANG, KENNETH	
P O BOX 51418				
PALO ALTO, CA 94303			ART UNIT	PAPER NUMBER
			2195	
DATE MAILED: 05/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/894,215	SACHEDINA ET AL.	
	Examiner	Art Unit	
	Kenneth Tang	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 February 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-7 and 9-11 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-3,5-7 and 9-11 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the Amendment filed on 2/14/05. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.
2. Claims 1-3, 5-7, and 9-11 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-3, 5-7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable by Allen et al. (hereinafter Allen) (US 5,634,072) in view of Applicant's Admitted Prior Art in the Specification (hereinafter AAPA).**

4. As to claim 1, Allen teaches a method for providing access to a resource in a programming environment supporting concurrent tasks (for a cleanup routine, for example) (*see Abstract and col. 6, lines 58-61*), comprising the steps of:

- (a) providing a latch (lock) to a first task, wherein the first task requests the latch to obtain access to the resource (*col. 27; lines 8-21*);
 - (b) accessing the resource with the first task (allocate or attach) (*col. 27, lines 8-21*);

(c) marking the latch stealable rather than releasing the latch (cast-out lock is 0 or 1 but opposite of stealable) (*col. 11, lines 54-67 through col. 12, lines 1-34*); and

(d) marking the latch unstealable (cast-out lock is 0 or 1 but opposite of stealable) if the first task again requests the latch to obtain access to the resource prior to the latch being requested by a second task seeking access to the resource (*col. 11, lines 54-67 through col. 12, lines 1-34*).

5. Allen teaches marking the latch stealable but fails to explicitly teach doing that rather than releasing the latch. However, AAPA teaches a prior art system that holds a latch rather than relinquishing it once the task is finished using the resource (*page 2, lines 12-22*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of holding a latch rather than relinquishing it once the task is finished using the resource to the existing resource locking system of Allen because it would avoid the inefficiency of high overhead costs and reduced overall throughput of the system (*page 2, lines 12-22*).

6. As to claim 2, Allen teaches wherein the providing step (a) further comprising the steps of: (a1) providing to the first task a latch marked stealable and held by a holding task; and (a2) placing the resource in a consistent state prior to the first task accessing the resource (*col. 11, lines 54-67 through col. 12, lines 1-34*).

7. As to claim 3, Allen teaches marking a set of flags (parity) for a latch stealable, wherein the resource is not placed in a consistent state because the latch is marked stealable, stolen, wherein the resource is placed in a consistent state (determined by Change Indicator and state

information indicates whether the data is changed) and then accessed by the second task, or unstealable, wherein the first task again requests the latch to obtain access to the resource and the latch has not been requested by a second task seeking access to the resource, as requested by the latch (*col. 11, lines 54-67 through col. 12, lines 1-34*).

8. As to claims 5-7, they are rejected for the same reasons as stated in the rejection of claims 1-3.

9. As to claim 9, it is rejected for the same reasons as stated in the rejection of claim 1. In addition, Allen teaches a computer system/facility that performs the managing of resources using locks (*see Abstract, for example*).

10. As to claims 10-11, they are rejected for the same reasons as stated in the rejection of claims 2-3.

Response to Arguments

11. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
5/5/05


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